

# **JOURNAL OF THE HOUSE**

## **EIGHTY-EIGHTH SESSION**

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SEVENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, January 17, 2013

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Dodie Noordermeer, followed by the Pledge of Allegiance led by House page Riley Larson.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Brian G. Gosch, Chair

Which motion prevailed.

**HONORED GUESTS**

Speaker Gosch introduced Alayna Siemonsma of Rapid City, the 2012 South Dakota Milken Educator.

Speaker Gosch introduced Katie Anderson of Rapid City, the 2013 South Dakota Teacher of the Year.

**REPORTS OF STANDING COMMITTEES**

MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1003 and returns the same with the recommendation that said bill be amended as follows:

1003tb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 54-13-1 be amended to read as follows:

54-13-1. Terms used in this chapter mean:

- (1) "Agricultural land," a parcel of land larger than forty acres not located in any municipality and used in farming or ranching operations carried on by the owner or operator within the preceding three- year period for the production of farm products as defined in subdivision 57A-9-102(a)(34) and includes wasteland lying within or contiguous to and in common ownership with land used in farming or ranching operations for the production of farming or ranching products;
- (2) "Ag finance counselor," a person contracted by the Department of Agriculture mediation program who is trained to assist in resolving agricultural loan disputes;
- (3) "Agricultural property," agricultural land or personal property or a combination thereof used in the pursuit of, or arising out of, or related to, the occupation of farming or ranching;
- (4) "Borrower," an individual, corporation, trust, cooperative, joint venture, or any other entity entitled to contract who is engaged in farming or ranching and who derives more than sixty percent of total gross income from farming or ranching and who has borrowed from any one creditor on any single farm related debt in excess of fifty thousand dollars;

1 (5) "Creditor," any individual, organization, cooperative, partnership, trust, or state or  
2 federally chartered corporation to whom is owed debt in excess of fifty thousand  
3 dollars by a borrower. A judgment creditor with a judgment of fifty thousand dollars  
4 or more against a debtor with agricultural property is a creditor within the meaning  
5 of this chapter;

6 (6) "Federal land mediation," assistance provided to individuals or organizations seeking  
7 to mediate disputes with federal land management agencies;

8 (7) "Mediation," a process by which creditors and borrowers present, discuss, and  
9 explore practical and realistic alternatives to the resolution of a borrower's debts; ~~and~~

10 ~~(7)~~(8) "Mediator," anyone responsible for and engaged in the performance of mediation  
11 pursuant to this chapter, who is trained and certified by the Department of  
12 Agriculture; and

13 (9) "Oil and gas mediation," assistance provided to individuals or organizations seeking  
14 to mediate disputes with oil and gas developers related to surface damages.

15 Section 2. That § 54-13-2 be amended to read as follows:

16 54-13-2. The Department of Agriculture shall administer an agriculture mediation program  
17 to:

18 (1) Provide assistance to borrowers and creditors who seek to use mediation as a method  
19 for resolving loan disputes; ~~and~~

20 (2) Provide federal land mediation to ~~persons~~ individuals or organizations seeking to  
21 mediate disputes with federal land management agencies concerning decisions made  
22 by those federal agencies; and

23 (3) Provide oil and gas mediation to individuals or organizations seeking to mediate  
24 disputes over surface damages related to oil or gas development.

25 The secretary of the Department of Agriculture shall promulgate rules pursuant to chapter  
26 1-26 necessary for mediation, federal land mediation, and oil and gas mediation including the  
27 establishment of fees, training requirements for mediators and ag finance counselors and their  
28 certification, mediation request forms, and any other mediation procedures as may be necessary  
29 for the prompt and expeditious mediation of agriculture related disputes, including the receipt  
30 of funds pursuant to the Agricultural Credit Act of 1987.

31 The agriculture mediation program may not, as a condition to mediation, require that the  
32 borrower of any creditor waive any respective legal or equitable remedies or rights."

33 1003tta

34 On page 1, line 1, of the printed bill, delete everything after "to" and insert "revise the  
35 purpose of the agriculture mediation program."

1 On page 1, delete lines 2 and 3.

2 And that as so amended said bill do pass.

3 Respectfully submitted,  
4 Charles B. Hoffman, Chair

5 Also MR. SPEAKER:

6 The Committee on Local Government respectfully reports that it has had under  
7 consideration HB 1018 and returns the same with the recommendation that said bill do pass.

8 Respectfully submitted,  
9 Tim Rounds, Chair

10 Also MR. SPEAKER:

11 The Committee on Health and Human Services respectfully reports that it has had under  
12 consideration HB 1011, 1019, and 1047 and returns the same with the recommendation that said  
13 bills do pass.

14 Also MR. SPEAKER:

15 The Committee on Health and Human Services respectfully reports that it has had under  
16 consideration HB 1020 and returns the same with the recommendation that said bill be amended  
17 as follows:

18 1020ra

19 On page 13 of the printed bill, delete lines 18 and 19, and insert "admitted by a parent, has  
20 the right to refuse psychotropic medication. Such minor also has the right to refuse convulsive  
21 or shock therapy or electric shock. If psychotropic medication or convulsive or shock therapy  
22 or electric shock is prescribed by the minor's treating psychiatrist upon ~~his~~ that treating  
23 psychiatrist's written determination that".

24 And that as so amended said bill do pass.

25 Respectfully submitted,  
26 Scott Munsterman, Chair

1 Also MR. SPEAKER:

2 The Committee on Taxation respectfully reports that it has had under consideration  
3 HB 1039 and 1066 and returns the same with the recommendation that said bills do pass.

4 Respectfully submitted,  
5 Brock L. Greenfield, Chair

6 **MESSAGES FROM THE SENATE**

7 MR. SPEAKER:

8 I have the honor to transmit herewith SB 7, 12, 37, 63, and 64 which have passed the  
9 Senate and your favorable consideration is respectfully requested.

10 Respectfully,  
11 Jeannette Schipper, Secretary

12 **MOTIONS AND RESOLUTIONS**

13 Rep. Lust moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
14 Friday, January 18, the 8<sup>th</sup> legislative day.

15 Which motion prevailed.

16 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

17 HB 1074 Introduced by: Representatives Rounds, Bartling, Cronin, Gosch, Johns, Solum,  
18 Tulson, and Wink and Senators Maher, Holien, Kirkeby, Lederman, Rhoden, and Tieszen

19 FOR AN ACT ENTITLED, An Act to define the insurer's responsibilities concerning  
20 health insurance policies for newborns or newly adopted children.

21 Was read the first time and referred to the Committee on Judiciary.

22 HB 1075 Introduced by: Representatives Munsterman, Conzet, Lust, Sly, and Wismer and  
23 Senators Vehle, Maher, and Sutton

24 FOR AN ACT ENTITLED, An Act to revise the membership of the Legislative Planning  
25 Committee.

1 Was read the first time and referred to the Committee on State Affairs.

2 HB 1076 Introduced by: Representatives Bartling, Gosch, Johns, Olson (Betty), Rounds,  
3 Tulson, and Wink and Senators Kirkeby, Ewing, Hunhoff (Jean), Lederman, Rhoden, and  
4 Tieszen

5 FOR AN ACT ENTITLED, An Act to repeal the requirement to separately publish certain  
6 information concerning county poor relief from the minutes of the county commissions.

7 Was read the first time and referred to the Committee on Local Government.

8 HB 1077 Introduced by: Representatives Bartling, Gosch, Johns, Olson (Betty), Rounds,  
9 Tulson, and Wink and Senators Kirkeby, Hunhoff (Jean), Lederman, Maher, Rhoden, and  
10 Tieszen

11 FOR AN ACT ENTITLED, An Act to repeal certain provisions requiring railroad  
12 companies to file maps with county officials.

13 Was read the first time and referred to the Committee on Local Government.

14 HB 1078 Introduced by: Representatives Bartling, Gosch, Johns, Olson (Betty), Rounds,  
15 Tulson, and Wink and Senators Kirkeby, Ewing, Hunhoff (Jean), Lederman, Maher, Rhoden,  
16 and Tieszen

17 FOR AN ACT ENTITLED, An Act to revise the location where certain county highway  
18 maps may be filed.

19 Was read the first time and referred to the Committee on Local Government.

20 HB 1079 Introduced by: Representatives Bartling, Gosch, Johns, Olson (Betty), Rounds,  
21 Tulson, and Wink and Senators Kirkeby, Ewing, Hunhoff (Jean), Lederman, Maher, Rhoden,  
22 and Tieszen

23 FOR AN ACT ENTITLED, An Act to increase the fee for certain property tax deeds.

24 Was read the first time and referred to the Committee on Local Government.

25 HB 1080 Introduced by: Representatives Hickey, Bolin, Craig, Ecklund, Feinstein, Haggar  
26 (Don), Hansen, Hawks, Hoffman, Hunhoff (Bernie), Killer, Kirschman, Kopp, Munsterman,  
27 Novstrup (David), Ring, Schoenfish, Sly, Soli, Stalzer, and Steele and Senators Tieszen,  
28 Kirkeby, Lucas, Monroe, and Novstrup (Al)

1 FOR AN ACT ENTITLED, An Act to include certain speeding offenses in the point  
2 system for traffic violations for the purposes of driver license records.

3 Was read the first time and referred to the Committee on Transportation.

4 HB 1081 Introduced by: Representatives Hajek, Heinert, Olson (Betty), and Rozum and  
5 Senators Otten (Ernie), Monroe, and Welke

6 FOR AN ACT ENTITLED, An Act to specify the duration of certain municipal  
7 appointments.

8 Was read the first time and referred to the Committee on Local Government.

9 HB 1082 Introduced by: Representatives Stevens, Olson (Betty), Ring, and Rozum and  
10 Senators Otten (Ernie), Monroe, and Welke

11 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the designation  
12 of official newspapers for municipalities.

13 Was read the first time and referred to the Committee on Local Government.

14 HB 1083 Introduced by: Representatives Olson (Betty), Craig, Kaiser, May, and Russell  
15 and Senators Maher, Brown, Ewing, Kirkeby, Lederman, and Rhoden

16 FOR AN ACT ENTITLED, An Act to reestablish the crime of rustling and to provide a  
17 penalty therefor.

18 Was read the first time and referred to the Committee on Agriculture and Natural  
19 Resources.

20 HB 1084 Introduced by: Representatives Stalzer, Cammack, Campbell, Craig, Cronin,  
21 Ecklund, Erickson, Haggard (Jenna), Hansen, Hawks, Heinemann (Leslie), Hickey, Kaiser,  
22 Kopp, Munsterman, Nelson, Olson (Betty), Peterson, Rasmussen, Rounds, Schoenfish, Steele,  
23 Verchio, Wick, and Wink and Senators Omdahl, Begalka, Ewing, Johnston, Krebs, Lederman,  
24 Monroe, Otten (Ernie), and Soholt

25 FOR AN ACT ENTITLED, An Act to designate Purple Heart Recognition Day as a  
26 working holiday.

27 Was read the first time and referred to the Committee on State Affairs.

1 HB 1085 Introduced by: Representatives Campbell and Heinert and Senators Omdahl and  
2 Welke

3 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the notice  
4 given to municipalities and counties for bingo games and lotteries.

5 Was read the first time and referred to the Committee on Local Government.

6 HB 1086 Introduced by: Representatives Hoffman, Bartling, Campbell, Craig, Duvall,  
7 Hawks, Hawley, Heinert, Hickey, Magstadt, May, Olson (Betty), Parsley, Peterson, Qualm,  
8 Rozum, Schaefer, Schrempp, Sly, Solum, Verchio, Werner, and Wink and Senators Krebs,  
9 Begalka, Ewing, Frerichs, Hunhoff (Jean), Lederman, Lucas, Maher, Monroe, Rampelberg,  
10 Rhoden, Sutton, Tidemann, Tieszen, and Van Gerpen

11 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the publication  
12 of certain records by cooperatives.

13 Was read the first time and referred to the Committee on Local Government.

14 HB 1087 Introduced by: Representatives Craig, Bolin, Campbell, Ecklund, Gosch,  
15 Heinemann (Leslie), Hickey, Kopp, Lust, May, Olson (Betty), Qualm, Schoenfish, Sly, Stalzer,  
16 Steele, Verchio, and Wick and Senators Tieszen, Begalka, Bradford, Ewing, Jensen, Kirkeby,  
17 Lederman, Maher, Novstrup (Al), Omdahl, and Rhoden

18 FOR AN ACT ENTITLED, An Act to authorize individual school boards to create,  
19 establish, and supervise individual school sentinel programs to promote school safety.

20 Was read the first time and referred to the Committee on Education.

21 HB 1088 Introduced by: Representatives Hoffman, Greenfield, May, and Novstrup (David)  
22 and Senators Kirkeby, Monroe, and Novstrup (Al)

23 FOR AN ACT ENTITLED, An Act to require the high school activities association to  
24 continue to hold state tournaments in certain venues.

25 Was read the first time and referred to the Committee on Education.

26 HB 1089 Introduced by: Representatives Schrempp, Bartling, Craig, Feickert, Gibson,  
27 Heinert, Hoffman, Kirschman, Kopp, May, Miller, Nelson, Olson (Betty), Qualm, Ring,  
28 Schoenfish, Tyler, Verchio, and Wink and Senators Maher, Bradford, Frerichs, Lucas, Sutton,  
29 and Welke

30 FOR AN ACT ENTITLED, An Act to require statewide livestock ownership inspection.



1        Was read the first time and referred to the Committee on Agriculture and Natural  
2 Resources.

3        HB 1090 Introduced by: Representatives Rozum, Carson, Conzet, Craig, Dryden, Duvall,  
4 Erickson, Feickert, Hajek, Hansen, Hickey, Kaiser, May, Miller, and Tulson and Senators  
5 Jones, Adelstein, Brown, Buhl, Kirkeby, Lucas, Rhoden, Soholt, Welke, and White

6        FOR AN ACT ENTITLED, An Act to exempt certain amateur sports coaches from sales  
7 tax.

8        Was read the first time and referred to the Committee on Taxation.

9        HB 1091 Introduced by: Representatives Cronin, Bartling, Cammack, Conzet, Craig,  
10 Dryden, Duvall, Erickson, Feickert, Gosch, Greenfield, Hajek, Hoffman, Hunhoff (Bernie),  
11 Johns, Kirschman, Kopp, Lust, Magstadt, Miller, Nelson, Novstrup (David), Olson (Betty),  
12 Parsley, Peterson, Qualm, Rounds, Russell, Solum, Stalzer, Verchio, Westra, and Wick and  
13 Senators Brown, Begalka, Bradford, Frerichs, Holien, Hunhoff (Jean), Jensen, Kirkeby,  
14 Lederman, Lucas, Maher, Monroe, Olson (Russell), Otten (Ernie), Rave, Rhoden, Soholt,  
15 Sutton, and Tidemann

16        FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the labeling  
17 of motor fuel at a retail fuel pump.

18        Was read the first time and referred to the Committee on Commerce and Energy.

19        HB 1092 Introduced by: Representatives Stevens, Bartling, Feinstein, Gibson, Gosch,  
20 Hajek, and Johns and Senators Kirkeby, Hunhoff (Jean), Lederman, Maher, and Rhoden

21        FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the  
22 expungement of arrest records.

23        Was read the first time and referred to the Committee on Judiciary.

24        **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

25        SB 7: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
26 registration of a place of business with the Real Estate Commission.

27        Was read the first time and referred to the Committee on Commerce and Energy.

1 SB 12: FOR AN ACT ENTITLED, An Act to update citations and revise certain  
2 provisions regarding permits for energy facilities.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 SB 37: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
5 insurance fraud prevention unit.

6 Was read the first time and referred to the Committee on Judiciary.

7 SB 63: FOR AN ACT ENTITLED, An Act to revise certain requirements for certified  
8 public accountant firms licensed in South Dakota.

9 Was read the first time and referred to the Committee on Judiciary.

10 SB 64: FOR AN ACT ENTITLED, An Act to revise provisions regarding broker price  
11 opinions, comparative market analyses, and appraisals.

12 Was read the first time and referred to the Committee on Commerce and Energy.

### 13 SECOND READING OF CONSENT CALENDAR ITEMS

14 HB 1001: FOR AN ACT ENTITLED, An Act to require mineral developers to give notice  
15 to surface owners before entering the land.

16 Was read the second time.

17 The question being "Shall HB 1001 pass as amended?"

18 And the roll being called:

19 Yeas 70, Nays 0, Excused 0, Absent 0

20 Yeas:

21 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
22 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
23 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
24 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
25 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
26 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
27 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
28 Wick; Wink; Wismer; Speaker Gosch

1        So the bill having received an affirmative vote of a majority of the members-elect, the  
2 Speaker declared the bill passed and the title was agreed to.

3        HB 1026: FOR AN ACT ENTITLED, An Act to comply with certain Internal Revenue  
4 Code requirements relating to maximum annual benefits paid to members of the South Dakota  
5 Retirement System and to provide for the update of references to the Internal Revenue Code.

6        Was read the second time.

7        The question being "Shall HB 1026 pass?"

8        And the roll being called:

9        Yeas 70, Nays 0, Excused 0, Absent 0

10       Yeas:

11 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
12 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
13 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
14 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
15 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
16 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
17 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
18 Wick; Wink; Wismer; Speaker Gosch

19       So the bill having received an affirmative vote of a majority of the members-elect, the  
20 Speaker declared the bill passed and the title was agreed to.

21       HB 1027: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
22 application of the special pay retirement program of the South Dakota Retirement System.

23       Was read the second time.

24       The question being "Shall HB 1027 pass?"

25       And the roll being called:

26       Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
4 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
6 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
9 Wick; Wink; Wismer; Speaker Gosch

10 So the bill having received an affirmative vote of a majority of the members-elect, the  
11 Speaker declared the bill passed and the title was agreed to.

## 12 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

13 HB 1023: FOR AN ACT ENTITLED, An Act to revise certain rules relating to the  
14 Department of Human Services Medicaid waiver programs.

15 Was read the second time.

16 The question being "Shall HB 1023 pass?"

17 And the roll being called:

18 Yeas 58, Nays 12, Excused 0, Absent 0

19 Yeas:

20 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
21 Ecklund; Erickson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks;  
22 Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Kopp;  
23 Latterell; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Nelson; Novstrup (David);  
24 Olson (Betty); Otten (Herman); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell;  
25 Schaefer; Schoenfish; Sly; Solum; Stalzer; Steele; Stevens; Tulson; Verchio; Werner; Westra;  
26 Wick; Wink; Speaker Gosch

27 Nays:

28 Feickert; Feinstein; Gibson; Heinert; Killer; Kirschman; Parsley; Peterson; Schrempp; Soli;  
29 Tyler; Wismer

30 So the bill having received an affirmative vote of a majority of the members-elect, the  
31 Speaker declared the bill passed and the title was agreed to.

32 Rep. Cronin moved that HB 1012 be placed to follow HB 1025 on today's calendar.

33 Which motion prevailed.

1 HB 1006: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
2 termination of certain mineral interests.

3 Was read the second time.

4 The question being "Shall HB 1006 pass as amended?"

5 And the roll being called:

6 Yeas 70, Nays 0, Excused 0, Absent 0

7 Yeas:

8 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
9 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
10 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
11 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
12 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
13 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
14 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
15 Wick; Wink; Wismer; Speaker Gosch

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1053: FOR AN ACT ENTITLED, An Act to revise the lending limit for state chartered  
19 banks.

20 Was read the second time.

21 The question being "Shall HB 1053 pass?"

22 And the roll being called:

23 Yeas 70, Nays 0, Excused 0, Absent 0

24 Yeas:

25 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
26 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
27 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
28 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
29 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
30 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
31 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
32 Wick; Wink; Wismer; Speaker Gosch

33 So the bill having received an affirmative vote of a majority of the members-elect, the  
34 Speaker declared the bill passed and the title was agreed to.

1 HB 1021: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to child  
2 support.

3 Was read the second time.

4 1021ra

5 Rep. Stevens moved that HB 1021 be amended as follows:

6 On page 5, between lines 3 and 4 of the printed bill, insert:

7 "  
8 (9A) "Noncustodial parent," the parent who does not have primary care, custody, or  
9 control of the child, and has an obligation to pay child support;".

10 Which motion prevailed.

11 The question being "Shall HB 1021 pass as amended?"

12 And the roll being called:

13 Yeas 70, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
16 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
17 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
18 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
19 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
20 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
21 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
22 Wick; Wink; Wismer; Speaker Gosch

23 So the bill having received an affirmative vote of a majority of the members-elect, the  
24 Speaker declared the bill passed and the title was agreed to.

25 HB 1031: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding parole  
26 date calculation.

27 Was read the second time.

28 The question being "Shall HB 1031 pass?"

29 And the roll being called:

1 Yeas 69, Nays 1, Excused 0, Absent 0

2 Yeas:

3 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
4 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
5 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
6 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
7 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
8 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish;  
9 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
10 Wick; Wink; Wismer; Speaker Gosch

11 Nays:

12 Russell

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill passed and the title was agreed to.

15 Rep. Lust moved that the balance of the calendar including HB 1032, 1024, 1025, and  
16 1012 be deferred to Friday, January 18, the 8<sup>th</sup> legislative day.

17 Which motion prevailed.

18 Rep. Steele moved that the House do now adjourn, which motion prevailed and at  
19 3:01 p.m. the House adjourned.

20 Arlene Kvislen, Chief Clerk

21 **JOINT SESSION**

22 Pursuant to the report of the Joint-Select Committee, as found on page 40 of the House  
23 Journal, the Senate and the House of Representatives met in informal joint session in the House  
24 Chamber for the purpose of having a memorial service for deceased former members and  
25 reading of the following Joint Memorial Resolution:

26 **WHEREAS**, the Great Ruler of the Universe has ordered a final adjournment in the lives  
27 of eight former members of the South Dakota Legislature, namely: the *Honorable James E.*  
28 *"Jim" Abdnor*; the *Honorable Leonard E. Andera*; the *Honorable Charles E. "Eddie" Clay*; the  
29 *Honorable Bertrum E. Ellingson*; the *Honorable Frank E. "Rudy" Henderson*; the *Honorable*  
30 *Maurice J. "Maury" LaRue*; the *Honorable George H. Shanard*; and the *Honorable Burdette*  
31 *C. Solum*; and

32 **WHEREAS**, in the lives of all these eminent public servants there was noted a profound  
33 urgency in an unselfish manner, with trials and vicissitudes often far outweighing honors, but

1 with a consciousness that here in a land of freedom the dignity of the individual is supreme, that  
2 justice must be dispensed, and that only by eternal vigilance and unrelenting effort can self-  
3 government of a people be preserved; and

4 **WHEREAS**, it is fitting that we humbly honor the memory of those who have thus  
5 contributed to the orderly process of government under the Constitution:

6 **NOW, THEREFORE, BE IT RESOLVED**, by the Senate and the House of  
7 Representatives of the Eighty-eighth Session of the Legislature of the State of South Dakota  
8 duly convened in recess session in recognition of the useful lives and unfailing devotion to the  
9 interests of the State of South Dakota, as well as the rectitude of thought and action and fidelity  
10 to the highest principles of American citizenship by these honorable people, that the Senate and  
11 the House of Representatives do now pause in their labors out of respect for the memory of their  
12 late fellow associates in the functions of government, and note that in their passing, the state  
13 they have served so well has suffered a distinct loss, and though their labors have ceased and  
14 they have been laid to rest, the people of this great state have benefited greatly from the services  
15 rendered by them and they have left upon the sands of time an inspiring record of devotion to  
16 their fellow citizens under the guiding hand of Almighty God; and

17 **BE IT FURTHER RESOLVED**, that this Resolution be printed in the journals of the  
18 Senate and the House of Representatives of the Eighty-eighth Session of the Legislature of the  
19 State of South Dakota, now assembled this 17<sup>th</sup> day of January, 2013, at Pierre, South Dakota.